

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF VERMONT

U.S. DISTRICT COURT
DISTRICT OF VERMONT
FILED

2006 NOV -3 PM 3:43

SIMONNE DODGE,
Plaintiff,
v.
LANDSTAR RANGER, INC.,
Defendant.

Civil Court Action

Case No. 2:05-CV-281

CLERK

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MOTION FOR SUMMARY JUDGMENT

NOW COMES the Defendant, Landstar Ranger, Inc. ("Landstar"), by and through its counsel, Dinse, Knapp & McAndrew, P.C., and hereby moves pursuant to Fed. R. Civ. P. 56(b) for summary judgment in this action. In support, Landstar states that there is no dispute of material fact the resolution of which could result in a finding in favor of the Plaintiff. The undisputed facts demonstrate as a matter of law that James Dodge, the alleged tortfeasor, was at the time of the accident the employee of Landstar's independent contractor, Dodge Trucking, Inc., and as such, as a matter of law, any negligence of Mr. Dodge yields vicarious liability only as to his employer, Dodge Trucking, Inc., and not as to Landstar.

A Memorandum in support of this motion and a Statement of Undisputed Material Facts are filed herewith.

WHEREFORE Landstar Ranger, Inc. prays that this motion be granted, that Plaintiff's action against it be dismissed with prejudice, for its costs, and for such further relief as the Court deems just.

Dated at Burlington, Vermont, this 3rd day of November, 2006.

DINSE, KNAPP & McANDREW, P.C.

By: 

Karen McAndrew, Esq.
Douglas Le Brun, Esq.
Counsel for Defendant

cc: Jerome F. O'Neill, Esq.

Dinse,
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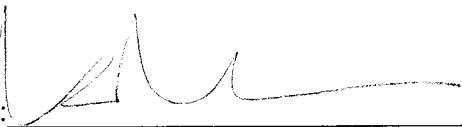
CERTIFICATE OF SERVICE

I, Karen McAndrew, Esq., hereby certify that on the date inscribed below I served Landstar's "Motion for Summary Judgment," "Memorandum in Support of Motion for Summary Judgment," "Statement of Undisputed Material Facts," and this "Certificate of Service" by U.S. mail, first-class, postage prepaid, addressed to the following attorney of record:

Jerome F. O'Neill, Esq.
O'Neill, Kellner & Green, P.C.
P.O. Box 5359
Burlington, VT 05402-5359.

Dated at Burlington, Vermont, this 3rd day of November, 2006.

DINSE, KNAPP & McANDREW, P.C.

By: 
Karen McAndrew, Esq.